SENATE BILL No. 153

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-14-13-2.3.

Synopsis: Joint legal custody in paternity actions. Amends the factors that a court must consider in awarding joint legal custody after paternity has been established to include: (1) whether the child has had an opportunity to establish; (2) whether a parent wishes to establish; and (3) whether a parent has attempted to prevent the other parent from establishing; a close and beneficial relationship with the child.

Effective: July 1, 2010.

Taylor

January 5, 2010, read first time and referred to Committee on Judiciary.





Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

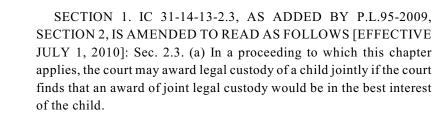
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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SENATE BILL No. 153

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:



- (b) An award of joint legal custody under this section does not require an equal division of physical custody of the child.
- (c) In determining whether an award of joint legal custody under this section would be in the best interest of the child, the court shall consider it a matter of primary, but not determinative, importance that the persons awarded joint legal custody have agreed to an award of joint legal custody. The court shall also consider:
 - (1) the fitness and suitability of each of the persons awarded joint legal custody;
 - (2) whether the persons awarded joint legal custody are willing and able to communicate and cooperate in advancing the child's



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1	welfare;	
2	(3) the wishes of the child, with more consideration given to the	
3	child's wishes if the child is at least fourteen (14) years of age;	
4	(4) whether the child:	
5	(A) has had an opportunity to establish; or	
6	(B) has established;	
7	a close and beneficial relationship with both of the persons	
8	awarded joint legal custody;	
9	(5) whether a parent wishes to establish a close and beneficial	
10	relationship with the child;	
11	(6) whether a parent has attempted to prevent the other	
12	parent from establishing a close and beneficial relationship	
13	with the child;	
14	(5) (7) whether the persons awarded joint legal custody:	
15	(A) live in close proximity to each other; and	
16	(B) plan to continue to do so;	
17	(6) (8) the nature of the physical and emotional environment in	U
18	the home of each of the persons awarded joint legal custody; and	
19	(7) (9) whether there is a pattern of domestic or family violence.	
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